

LETTER

FROM

THE ATTORNEY GENERAL,

IN ANSWER TO

Resolution of the 16th instant, transmitting a report of the amounts paid for special counsel and United States district attorneys during the years ending June 30, 1865, 1866, and 1867, and on the organization of this office.

DECEMBER 20, 1867.—Read, referred to the Committee on the Judiciary and ordered to be printed.

ATTORNEY GENERAL'S OFFICE,
Washington, December 20, 1867.

SIR: In compliance with a resolution passed by the Senate, December 16, 1867, I have the honor to transmit herewith a report on the amounts paid during the years ending June 30, 1865, 1866, and 1867, for special counsel employed to assist the Attorney General and the United States district attorneys, and on the organization of this office.

Very respectfully, sir, your obedient servant,

HENRY STANBERY,
Attorney General.

Hon. B. F. WADE,
President of the Senate pro tempore.

To the Senate of the United States:

By resolution passed by the Senate December 16, 1867, the Attorney General is requested to inform the Senate—

"1. What amount was paid by the United States for special counsel employed to assist the Attorney General in cases depending before the Supreme Court of the United States for the years ending June 30, 1865, June 30, 1866, and June 30, 1867.

"2. Whether the present force in the Attorney General's office is sufficient for the proper business of that office.

"3. Whether the solicitors and clerks, acting as such, in the various departments and in the Court of Claims, cannot be dispensed with, and the duties they perform be discharged under the direction of the Attorney General, so as to bring all the law officers of the government under one head, with saving of expense and benefit to the public service.

"4. The amount paid for the years ending June 30, 1865, June 30, 1866, and June 30, 1867, for assistance rendered to the district attorneys."

In answer to these inquiries, (transposing for convenience the order in which they are stated,) I have the honor to inform the Senate that there was paid by the United States for special counsel employed to assist the Attorney General

AMOUNTS PAID FOR SPECIAL COUNSEL.

in cases depending before the Supreme Court of the United States, the following amounts :

| | |
|-----------------------------------------|---------|
| For the year ending June 30, 1865 | \$6,500 |
| For the year ending June 30, 1866 | 13,000 |
| For the year ending June 30, 1867 | 7,800 |

The amounts paid for the same years for assistance rendered to the district attorneys are as follows :

| | |
|-----------------------------------------|----------|
| For the year ending June 30, 1865 | \$14,000 |
| For the year ending June 30, 1866 | 16,000 |
| For the year ending June 30, 1867 | 25,000 |

which last includes fees paid to special counsel employed in the prosecution of Mr. Davis for high treason.

These amounts include the sums paid to lawyers called assistant district attorneys, whose compensation is in the form of an agreement for an annual allowance, and to special counsel employed to assist the district attorney in special cases by the Attorney General. The fees of special counsel employed by heads of departments are not included in the amounts stated.

The present force in the office of the Attorney General is not sufficient for the proper business of that office. As to the mere administrative business of the office the present force is sufficient; but as to the proper duties of the Attorney General, especially in the preparation and argument of cases before the Supreme Court of the United States, and the preparation of opinions on questions of law referred to him, some provision is absolutely necessary to enable him properly to discharge his duties. After much reflection it seems to me that this want may best be supplied by the appointment of a solicitor general. With such an assistant, the necessity of employing special counsel in the argument of cases in the Supreme Court of the United States would be in a great measure, if not altogether, dispensed with.

It will be observed that the sums paid to special counsel in that court have for the last three years averaged the sum of \$9,100 per year; so that a salary might be allowed to a solicitor general sufficient to command the services of a competent lawyer with a positive saving of expense to the government.

On the third point of inquiry, in my opinion the various law officers now attached to the other departments and the Court of Claims might, with advantage to the public service, be transferred to the Attorney General's office, so that it may be made the law department of the government, and thereby secure uniformity of decision, of superintendence, and of official responsibility.

HENRY STANBERRY,

Attorney General.